

JUN 03 2004

Client Code: ENDONET.023CP3

Page 1

OFFICIAL

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION  
UNDER 37 C.F.R. §1.181 (a)**

First named inventor : Johnson, et al.  
App. No. : 09/702,002  
Filed : October 30, 2000  
Title : METHOD AND DEVICE  
FOR TREATING  
GASTROESOPHAGEAL  
REFLUX DISEASE  
Examiner : Nikita R. Veniaminov

Group Art Unit: 3736

I hereby certify that this correspondence and all  
marked attachments are being deposited with the  
United States Postal Service as first-class mail in an  
envelope addressed to: United States Patent and  
Trademark Office, P.O. Box 2327, Arlington, VA  
22202, on

March 17, 2003

(Date)

James W. Hill, M.D., Reg. No. 46,396

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

ATTN: Commissioner for Patents

This petition is filed in accordance with 37 C.F.R. §1.181 and in accordance with the Manual of  
Patent Examining Procedure (MPEP), Chapter 711.03(c).

The above-identified application became abandoned for failure to file a timely a proper response  
to the Office Action mailed on July 31, 2002, with the period set for response to expire after January 31,  
2003. The abandonment date of this application is February 1, 2003.

Evidence in support of this Petition is provided in the accompanying documents: (a) a  
Declaration of James W. Hill, M.D., executed March 14, 2003; (b) a copy of the Power of Attorney filed  
April 12, 2001; and (c) a copy of the Notice Regarding Power of Attorney mailed August 3, 2001. These  
items are filed herewith.

In accordance with *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the U.S. Patent and  
Trademark Office ("PTO") should mail a new Office Action in view of the evidence presented in support  
of the contention that the applicant's representative did not receive the original Office Action.

Applicant respectfully requests that: (a) this Petition To Withdraw Holding Of Abandonment  
Based On Failure To Receive an Office Action Under 37 C.F.R. §1.181(a) be granted; (b) the PTO send  
the Office Action to the attorneys of record: Knobbe, Martens, Olson & Bear, LLP; and (c) the period for  
reply to the Office Action be restarted.

Client File: ENDONET.023CP3  
Page 2

---

While we believe that no fee is due for this petition, in the event that a fee is due, please charge to our Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/14/03

By: James W. Hill, M.D.

James W. Hill, M.D.  
Registration No. 46,396  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

H:\DOCS\ZH\ZH-3905.DOC  
031403